

Panaji, 19th May, 2011 (Vaisakha 29, 1933)

SERIES II No. 7



# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

### GOVERNMENT OF GOA

#### Department of Animal Husbandry

Directorate of Animal Husbandry & Veterinary Services

—

**Order**

No. 11/1/97-AH/793

Government is pleased to accept the resignation tendered by Dr. Previn J. N. Pereira from the post of Veterinary Officer in the Directorate of Animal Husbandry & Veterinary Services, Panaji w.e.f. 01-02-2011.

By order and in the name of the Governor of Goa.

*Siddhivinayak S. Naik, Director & ex officio Joint Secretary (AH).*

Panaji, 10th May, 2011.



#### Department of Finance

##### Revenue & Expenditure Division

Directorate of Accounts

—

**Order**

No. DA/Admn/45-5/2011-12/TR-375/14

The Government is pleased to order the transfer and posting of the following Accounts Officers/Dy. Director of Accounts under Common Accounts Cadre as shown below with immediate effect on administrative grounds:

Sr. No.	Name of the Officer	Present place of posting	Transferred and posted at
1	2	3	4
1.	Shri Jagannath S. Sawant,	Goa Horticultural Corporation	River and Navigation

1	2	3	4
2.	Dy. Director of Accounts/Accounts Officer	tion Ltd., Panaji, Goa	Department, Betim, Goa.
2.	Shri Sadashiv M. Govekar, Dy. Director of Accounts/Accounts Officer	River and Navigation Department, Betim, Goa	Goa Horticultural Corporation Ltd., Panaji, Goa.

The deputation period of Shri Jagannath S. Sawant, Dy. Director of Accounts/Accounts Officer stands curtailed till the date he is relieved from the Goa Horticultural Corporation, Panaji.

Deployment of Shri Sadashiv M. Govekar, Dy. Director of Accounts/Accounts Officer, will be on deputation basis initially for a period of one year in the first instance and shall be regulated as per the standard terms of deputation contained in the Office Memorandum No. 13/4/74-PER dated 12-02-1999 and Even No. dated 11-01-2007 of Department of Personnel, Secretariat, Porvorim, Goa as amended from time to time.

The O/o the Goa Horticultural Corporation, Panaji, shall be liable to pay to the Government leave salary and pension contribution in respect of Officers at the prescribed rates.

The Officers at Sr. No. 2 shall move first and relieve the other Officers immediately to give effect to the transfer smoothly.

On joining their new assignment, the Officers shall send CTC/Joining Report to this Directorate for record.

By order and in the name of the Governor of Goa.

*P. S. Gude, Director & ex officio Joint Secretary (Accounts).*

Panaji, 10th May, 2011.

## Department of Forest

## Order

No. 4-1-2009/FOR(Part)/124

Read: 1) Government Order No. 4-1-2006/FOR dated 22-10-2009.

2) Government Order No. 4-1-2006/FOR dated 22-04-2010.

3) Government Order No. 4-1-2006/FOR dated 16-12-2010.

Sanction of the Government is hereby conveyed for extension of ad hoc promotion of Shri Cedric D'Souza, Deputy Conservator of Forests for a further period of six months with effect from 22-01-2011 to 21-07-2011 or till the post is filled on regular basis whichever, is earlier with the concurrence of Goa Public Service Commission.

By order and in the name of the Governor of Goa.

*B. S. Kudalkar, Under Secretary (Forests).*

Porvorim, 12th May, 2011.

## Goa Forest Development Corporation Limited

## Order

No. 1/GFDC/EST/RIA/2011-12/216

In pursuance to clause 5 of the Right to Information Act, 2005 and in supersession of this office Order No. I/GFDC/EST/RIA/2010-11/2395 dated 1-4-2011. Shri Jesus de Menezes Rodrigues, Manager, Accts & Administration is hereby appointed as Public Information Officer in Goa Forest Development Corporation Limited to deal with the applications received from the public under the Right to Information Act, 2005 for seeking information pertaining to this Corporation.

The Public Information Officer shall ensure that the preparation and publication of the manuals and updating the same from time as per said Act.

The Public Information Officer shall ensure that the application received by him for the information under the Right to Information Act, 2005 are finalized on the top priority so as to furnish the information to the applicant within the stipulated period and within the provision of the Act.

A time limit of 30 days has been prescribed for compliance with request for information under the Act which can be extended to 40 days where third party interest is involved.

The undersigned shall be the 1st Appellate Authority to entertain the appeal preferred by the applicant within 30 days of the decision of the Public Information Officer.

*Richard D'Souza, Managing Director.*

Panaji, 11th May, 2011.



## Department of General Administration

## Order

No. 17/3/81-GAD-I/2722

Read: Order No. 17/3/81-GAD-I dated 22-03-2010.

The ad hoc promotion of Shri Sudhir R. Volvoikar to the post of Superintendent (Legal/Drafting) in the Law Department (Legal Affairs), Secretariat, Porvorim is hereby further extended for a period of six months with effect from 10-02-2011 to 09-08-2011 or till the post is filled on regular basis, whichever is earlier.

This issues with the approval of Goa Public Service Commission conveyed vide its letter No. COM/II/11/58(1)/2011/60 dated 11-04-2011.

*Prabhakar V. Vaingankar, Under Secretary (GA).*

Porvorim, 12th May, 2011.



## Department of Home

Home—General Division

## Order

No. 1/5/2002-HD(F&amp;CD)/1541

Read: Order No. 6/1/2005-PER dated 07-01-2011 published in Official Gazette, Series II No. 43 dated 20-01-2011.

In continuation of Government Order No. 6/1/2005-PER dated 07-01-2011, read in the preamble, the term of Shri Eduardo Faleiro, former Union Minister and former Member of Parliament, as the Commissioner for NRI Affairs, Goa (Cabinet Minister Rank) is hereby extended for the period upto 31-03-2012.

By order and in the name of the Governor of Goa.

*Dipak M. Bandekar, Under Secretary (Home-I).*

Porvorim, 12th May, 2011.

## Department of Labour

**Order**

No. 21/15/86-LAB-PF-II

Read: 1) Government Order No. 21/15/86-Lab-PF dated 04-07-2008.

2) Government Order No. 21/15/86-Lab-PF dated 24-09-2009.

3) Government Order No. 21/15/86-Lab-PF dated 15-02-2010.

Government is pleased to extend the ad hoc appointment of Shri Prasad Pednekar, Assistant Labour Commissioner in the pay scale of ₹ 6,500-200-10,500 in the revised Pay Band—2 ₹ 9,300-34,800/- with grade pay of ₹ 4,200/- (Group 'B' Gazetted), in the office of the Commissioner of Labour and Employment, Panaji-Goa for a further period of one year w.e.f. 04-01-2011 to 03-01-2012 or till the post is filled on regular basis, whichever is earlier.

The above ad hoc appointment shall be on the same terms and conditions stipulated in the above referred orders.

This issues with concurrence of Goa Public Service Commission vide their letter No. COM/II/11/28(1)/2010 dated 27-04-2011.

By order and in the name of the Governor of Goa.

*Prabhakar V. Vaingankar*, Under Secretary (Labour).

Porvorim, 9th May, 2011.

**Order**

No. 21/15/86-Lab/PF

Read: 1) Government Order No. 21/15/86-Lab/PF dated 29-08-2008.

2) Government Order No. 21/15/86-Lab/PF dated 28-05-2009.

3) Government Order No. 21/15/86-Lab/PF dated 21-12-2010.

Government is pleased to extend the ad hoc appointment of Shri Rupesh C. Kothambikar, Assistant Labour Commissioner, for a further period w.e.f. 01-03-2011 to 31-12-2011 or till the post is filled on regular basis, whichever is earlier, on the same terms and conditions stipulated in the above referred orders.

This issues with the concurrence of Goa Public Service Commission vide their letter No. COM/II/11/28(1)/2010/55 dated Nil.

By order and in the name of the Governor of Goa.

*Prabhakar V. Vaingankar*, Under Secretary (Labour).

Porvorim, 9th May, 2011.

**Order**

No. 28/43/2010-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Interface Engineering Private Limited, Kundaim-Goa and its Workman, Shri Anil P. Satarkar, Helper, represented by the Gomantak Mazdoor Sangh, in respect of the matter specified in the Schedule hereto (hereinafter referred to as the "said dispute");

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the "said Act"), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa at Panaji-Goa, constituted under Section 7-A of the said Act.

**SCHEDULE**

- (1) Whether the action of the management of M/s. Interface Engineering Private Limited, Kundaim, Goa in terminating the services of Shri Anil P. Satarkar, Helper, with effect from 27-08-2010, is legal and justified?
- (2) If not, to what relief the Workman is entitled to?

By order and in the name of the Governor of Goa.

*Prabhakar V. Vaingankar*, Under Secretary (Labour).

Porvorim, 11th May, 2010.

**Notification**

No. 28/1/2011-LAB

The following award passed by the Industrial Tribunal-cum-Labour Court-I, at Panaji-Goa on

31-03-2011 in reference No. IT/50/02 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

*Prabhakar V. Vaingankar*, Under Secretary (Labour).

Porvorim, 2nd May, 2011.

IN THE INDUSTRIAL TRIBUNAL-CUM-  
-LABOUR COURT  
AT PANAJI

(Before Smt. Anuja Prabhudessai, Hon'ble Presiding Officer)

Ref. No. IT/50/02

Shri Murlidhar L. Naik,  
C/o. Shri Pradip B. Naik,  
Siddheshwar Nagar, Lane II,  
Talsai, Borim,  
Ponda-Goa. ... Workman/Party I

V/s

M/s. Goa Shipyard Ltd.,  
Vasco-da-Gama, Goa. ... Employer/Party II

Party I represented by Adv. Shri V. G. Deulkar.

Party II represented by Adv. Shri M. S. Bandodkar.

AWARD

(Passed on this 31st day of March, 2011)

By order dated 30-07-2002, the Government of Goa in exercise of the powers conferred by clause (d) of Section 10(1)(d) of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) has referred the following dispute for adjudication of this Tribunal.

"(1) Whether the action of M/s. Goa Shipyard Ltd., Vasco da Gama, Goa in dismissing the services of Shri Muralidhar L. Naik, Painter, with effect from 22-01-2001, is legal and justified?

(2) If not, what relief the Workman is entitled to?"

2. On receipt of the reference, notices were issued to both parties. The Party I filed his claim statement at Exb. 4 and the Party II has filed the written statement at Exb. 5. The rejoinder of the Party I is at Exb. 6.

3. The Party I was an employee of the Party II Company. The Party I was served with a suspension order dated 8-11-99 for allegedly abusing and

assaulting an employee/supervisor by name Agnelo Fernandes, on 4-11-99. Subsequently, the Party I was served with a charge-sheet dated 21-12-99 for conducting misconduct under Clause 29 (XI), (XII) and (XXXVII) of certified standing orders. The Party I had filed his reply and denied the charges levelled against him. Not being satisfied with the reply, the Party II initiated inquiry and appointed Shri D. V. Raju, Dy. Manager (Per.) as an Inquiry Officer to inquire into the charges levelled against the Party I. The Inquiry Officer conducted the enquiry and held the Party I guilty of the charges levelled. The Party I was called upon to show cause on the proposed punishment and by order dated 22-1-2001, the Party I was dismissed from service w.e.f. 22-01-2001.

4. The Party I has stated that the inquiry was conducted in violation of principles of natural justice and the provisions of the Certified Standing Order. The Party I has further stated that he was not allowed to be represented by an advocate. The Party I has further stated that he had not admitted any such alleged act and that the suspension order as well as the charge-sheet are illegal and unjustified. The Party I has stated that the findings of the Inquiry Officer are biased and unjustified. The Party I has also alleged that the dismissal order is illegal and unjustified. The Party I has therefore sought reinstatement with all consequential benefits.

5. The Party II has claimed that on 4-11-99, while on duty, the Party I argued with the supervisor in insulting tone and when the supervisor told him to go to his work place, instead of obeying the orders of his supervisor, the Party I abused him in filthy and derogatory language and thereafter caught hold of his collar and pushed him. The Party II has stated that the said acts constitute a serious misconduct and as such vide order dated 8-11-99 the Party I was suspended with immediate effect. A charge-sheet was issued to the Party I for committing the said misconduct. Inquiry was conducted in compliance with the provisions of the Certified Standing Orders and in accordance with the principles of natural justice. The Party II has stated that the findings of the Inquiry Officer are based on material on record and that the dismissal order is legal and justified.

5. Based on the aforesaid pleadings, the following issues were framed:

1. Whether the Party I proves that the domestic enquiry held against him is not fair and proper?

2. Whether the charges of misconduct levelled against the Party I are proved to the satisfaction of the Tribunal by acceptable evidence?
3. Whether the Party I proves that his dismissal from service by Party II w.e.f. 22-01-2001 is illegal and unjustified and discriminatory?
4. Whether Party I is entitled to any relief?
5. What Award?

7. Issue Nos. 1 and 2 were treated as preliminary issues. Both parties had adduced evidence and advanced arguments on these issues. Findings on these issues were given vide order dated 2-6-2009 (Exb. 21). It has been held that the inquiry held against the Party I was fair and proper and that the charges levelled against the Party I are proved to the satisfaction of the Tribunal. Both parties were called upon to adduce evidence on issue Nos. 3 and 4. Accordingly, both parties have adduced evidence on these issues.

8. Learned Adv. Shri Deulkar has argued on behalf of the Party I and Lnd. Adv. Shri Bandodkar has argued on behalf of the Party II. I have perused the records and considered the arguments advanced by the Lnd. Advocates for both parties and my findings on issue Nos. 3 and 4 are as under:

**Issue No. 3:** This issue pertains to the quantum of punishment imposed on the Party I. Learned Adv. Shri Deulkar has argued that Section 11 A of the Act empowers the court to interfere with the penalty. Learned Adv. Shri Deulkar has argued that the Party I has been exonerated of charges of assault. Learned Adv. Deulkar has submitted that the Party I has put in service of the 14 years and mere use of abusive language is no ground for dismissal. Learned Adv. Deulkar has argued that the penalty of dismissal is shockingly disproportionate and that the Tribunal has ample powers to interfere with the penalty and give an opportunity to the Party I to reform. In support of these contentions Learned Adv. Deulkar has relied upon the judgments in the case of *The Workman of M/s. Firestone Tyre & Rubber Co. of India (Pvt.) Ltd. and The Management and Others* (1973 I LLJ 278), *Ramakant Misra v/s State of U. P. and Others* 1982 ILLJ 472, *Scooter India Ltd., Luknow and Labour Court Lucknow* (1988 57 FLR 719).

9. Lnd. Adv. Shri Bandodkar has argued that discretion vested on the Tribunal under Section 11A of the Industrial Disputes Act has to be exercised

judiciously. He has argued that considering the gravity of the misconduct and the past records of the Party I, the penalty imposed on the Party I is not shockingly disproportionate and the same cannot be interfered with merely because another view is possible. He has relied upon the decisions in the case of *Jagdish Singh v/s Punjab Engineering College and Others* 2009 LLR 752, *Mahindra & Mahindra Ltd. v/s N. B. Nawade* 2005-I CLR 803, *U. P. State Road Transport Corporation v/s Subhash Chandra Sharma & Others* (2000 II CLR 13).

10. There is no dispute that Section 11 A of the Industrial Disputes Act vests the Tribunal with discretion to substitute the order of discharge or dismissal into an order of reinstatement or give such other relief to the Workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require.

11. In the case of the Workman of *M/s. Firestone Tyre & Rubber Co. of India (Pvt.) Ltd. and The Management and Others* (1973 I LLJ 278) the Apex Court has held that “*to invoke S. 11-A, it is necessary that an industrial dispute of the type mentioned therein should have been referred to an Industrial Tribunal for adjudication. In the course of such adjudication, the tribunal has to be satisfied that the order of discharge or dismissal was not justified. If it comes to such a conclusion, the tribunal has to set aside the order and direct reinstatement of the Workman on such terms as it thinks fit. The tribunal has also power to give any other relief to the Workman including the imposing of a lesser punishment having due regard to the circumstances. The proviso casts a duty on the tribunal to rely only on the materials on record and prohibits it from taking any fresh evidence*”.

12. In the case of *Ramakant Misra v/s State of U. P. and Others* 1982 ILLJ 472, the Apex Court while specifying the purpose of introduction of Section 11 A has held that the purpose of introduction of Section 11 A has held that “*It is now crystal clear that the labour court has the jurisdiction and power to substitute its measure of punishment in place of the managerial wisdom once it is satisfied that the order of discharge or dismissal was not justified in the facts and circumstances of the case. ... Before we can exercise the discretion conferred by S. 11-A, the court has to be satisfied that the order of discharge or dismissal was not justified in the facts and circumstances of the case. These words indicate that even though misconduct K proved and a penalty has to be imposed, the extreme penalty of dismissal or discharge was not justified*

in the facts and circumstances of the case meaning thereby that the punishment was either disproportionately heavy or excessive. As stated earlier, it is a well recognised principle of jurisprudence which permits penalty to be imposed for misconduct that the penalty must be commensurate with the gravity of the offence charged".

13. In the case of *Mahindra & Mahindra Ltd. v/s N. B. Nawade* 2005-I CLR 803 a three Judge Bench of the Apex Court after referring to the decisions in the case of *U. P. S. R. T. C. v/s Subhash Chandra (Supra)* and *Kailash Nath Gupta v/s Enquiry Officer* (2003 II CLR 72) has held that "It is no doubt true that after introduction of Section 11-A in the Industrial Disputes Act, certain amount of discretion is vested with the Labour Court/Industrial Tribunal in interfering with the quantum of punishment awarded by the Management where the concerned Workman is found guilty of misconduct. The said area of discretion has been very well defined by the various judgments of this Court referred to hereinabove and it is certainly not unlimited as has been observed by the Division Bench of the High Court. The discretion which can be exercised under Section 11-A is available only on the existence of certain factors like punishment being disproportionate to the gravity of misconduct so as to disturb the conscience of the court, or the existence of any mitigating circumstances which requires the reduction of the sentence, or the past conduct of the Workman which may persuade the Labour Court to reduce the punishment. In the absence of any such factor existing, the Labour Court can not by way of sympathy alone exercise the power under Section 11-A of the Act and reduce the punishment".

14. These principles have been reiterated by the Apex Court in several subsequent judgments including the case of *Jagdish Singh v/s Punjab Engineering College and Others* 2009 LLR 752, wherein it has been held that "The Courts and the Tribunals can interfere with the decision of the disciplinary authority, only when they are satisfied that the punishment imposed by the disciplinary authority is shockingly disproportionate to the gravity of the charges alleged and proved against a delinquent employee and not otherwise. Reference can be made to the decision of this Court in the case of *V. Ramana v. A.P. S.R.T.C. and Ors.*, (2005) 7 SCC 338, wherein it is stated:

"The common thread running through in all these decisions is that the court should not interfere with the administrator's decision unless it was

illogical or suffers from procedural impropriety or was shocking to the conscience of the Court, in the sense that it was in defiance of logic or moral standards. In view of what has been stated in Wednesbury case the court would not go into the correctness of the choice made by the administrator open to him and the court should not substitute its decision for that of the administrator. The scope of judicial review is limited to the deficiency in decision-making process and not the decision.

To put it differently unless the punishment imposed by the disciplinary authority or the Appellate Authority shocks the conscience of the Court/Tribunal, there is no scope for interference. Further to shorten litigations it may, in exceptional and rare cases, impose appropriate punishment by recording cogent reasons in support thereof. In a normal course, if the punishment imposed is shockingly disproportionate it would be appropriate to direct the disciplinary authority or the Appellate Authority to reconsider the penalty imposed."

15. The Principles which immerge from the aforesaid decisions are that the Tribunal/Court can interfere with the punishment and alter the same. However, the discretion vested under Section 11 of the Act should be exercised judiciously when the punishment is either shockingly disproportionate to the gravity of misconduct and shocks the conscious of the Tribunal/Court or when the past conduct of the Workman persuades the Tribunal/Court to reduce the punishment or when there are mitigating circumstances which require reduction of the sentence.

16. In the light of the aforesaid binding principles laid down by the Apex Court the question which falls for my consideration is whether the penalty imposed on the Party I is shockingly disproportionate to the charges levelled and proved and whether the Party I has made out a case for exercise of discretionary jurisdiction or not.

17. It is to be noted that the charge against the Party I was that he had abused the supervisor while on duty and had thereby committed misconduct under clause 29 (XI), (XII) and (XXXVII) of the Certified Standing Orders. The Inquiry Officer had held the Party I guilty of the said Act. In the order dated 2-6-2009, while giving findings on preliminary issues, this Tribunal has held that the findings of the Inquiry Officer are based on evidence on record. It was held that the act of raising voice and abusing and insulting the supervisor on duty, in the premises of the establish-

ment is certainly disorderly, indecent and improper behaviour and is subversive of discipline.

18. Learned Adv. Shri Deulkar has argued that intemperate and indecent language is no ground for dismissal. He has relied upon the case of *Ramakant Misra v/s State of U. P. and Others 1982 I LLJ 472*.

19. It is pertinent to note that in the said case the petitioner had put in 14 years of service and he was held guilty of using indiscreet, improper, abusive language. The Supreme Court while converting the punishment of dismissal into one of withholding of two increments with future effect had held that the "*The respondent management has not shown that there was any blameworthy conduct of the appellant during the period of 14 years' service he rendered prior to the date of misconduct and the misconduct consists of language indiscreet, improper or disclosing a threatening posture. When it is said that language discloses a threatening posture it is the subjective conclusion of the person who hears the language because voice modulation of each person in the society differs and indiscreet, improper, abusive language may show lack of culture but merely the use of such language on one occasion unconnected with any subsequent positive action and not preceded by any blameworthy conduct cannot permit an extreme penalty of dismissal from service. Therefore, we are satisfied that the order of dismissal was not justified in the facts and circumstances of the case and the court must interfere*".

20. In the instant case, the Party II has examined Kishor Manohar Samant, Manager in Legal Department of Goa Shipyard Limited. This witness has deposed that the past records of the Party I were taken into consideration while inflicting punishment of dismissal. He has produced the past records of the Party I which are at Exb. 38 to 48. The evidence of this witness vis-à-vis the documentary evidence on record pertaining to the past records of the Party I clearly indicates that:

a) The Party I was issued a show cause notice/charge-sheet dated 9-4-1987 (Exb. 38) for committing act subversive of discipline and good behaviour, negligence of work, loitering on duty and using impolite, abusive language and picking up quarrel with the enquiry was conducted in respect of the said charges and by order dated 24-8-87 (Exb. 39), the Party I was awarded punishment of withholding his annual increment with cumulative effect.

- b) The Party I was issued another charge-sheet dated 1-8-87 (Exb. 40) for threatening and abusing the Supervisor in presence of other Workman and thereby committing willful insubordination, disobedience order of Supervisor, indecent, improper behaviour committing act of subversive of discipline, using impolite, abusive and insulting language against the employee of the Company. An inquiry was conducted and by order dated 15-10-87 (Exb. 41) the Party I was suspended for four days by way of punishment.
- c) The Party I was issued charge-sheet dated 18-8-1992 (Exb. 42) for going on illegal strike, riotous, disorderly and indecent behaviour, commission of acts subversive of discipline or good behaviour etc. An enquiry in the said charge-sheet was conducted and the Party I was issued notice dated 22-6-94 (Exb. 43) to show cause why he should not be demoted to the lower grade. After considering the reply, vide order dated 27-6-94 (Exb. 44) his annual increment was stopped with non-cumulative effect.
- d) The Party I was issued charge-sheet dated 9-5-95 (Exb. 45) for unauthorized absence from 20-03-95 till the date of the charge-sheet. After considering his explanation the Party I was issued warning letter dated 29-5-95 (Exb. 46).
- e) The Party I was issued charge-sheet dated 23-9-96 (Exb. 47) for willful insubordination, disobedience order of Supervisor, indecent/ improper, riotous behaviour committing act of subversive of discipline, using impolite, abusive and insulting language etc. After conducting enquiry the Party I was issued letter dated 28-8-87 (Exb. 48) whereby he was advised to change his behaviour and attitude.

21. It is to be noted that in his cross examination, the Party I has admitted that he was issued aforesaid charge-sheets/notices and penalties. The Party I has also admitted he was issued suspension order dated 25-7-92 (Exb. 27) and charge-sheet dated 18-8-92 (Exb. 28). The Party I has admitted that by order dated 27-6-92 (Exb. 29) he was issued penalty of demotion to lower grade and stoppage of one annual increment with non-cumulative effect. The Party I has claimed that the penalties which were imposed against him in the past were not lawful. It was also suggested to the witness

Shri Kishor Samant that the Party II was in habit of issuing charge-sheets. It may be mentioned that the Party I has admitted that he had not challenged the penalties imposed on him in the past. Thus, apart from the bare statement of the Party I, there is absolutely no evidence to prove that the penalties imposed on him were unlawful or that there was any genuine apprehension for not challenging the order of penalties.

22. The records produced by the Party II clearly indicate that unlike the case of Rama Kant Mishra (Supra), the past records of the Party I were far from satisfactory. The Party I was issued several charge-sheets and he was held guilty of serious misconduct. Despite which the Party II had taken a lenient view and had given ample opportunities to Party I probably with a hope that the Party I would improve his conduct. But this hope has been belied. In view of these distinguishing facts and circumstances, the judgment in the case of Rama Kant Mishra is not applicable to the present case.

23. The material on record proves that the Party I had abused the Supervisor Agnelo, Fernandes in filthy words which are recorded in the report as well as in the statement of Agnelo Fernandes, recorded before the Enquiry Officer. The material on record indicated that the Party I had some discussion with Agnelo Fernandes relating to non-payment of overtime and allowances to the Workmen. This discussion turned into heated arguments and led to the Party I abusing the Supervisor, Agnelo Fernandes. The statement of Mohmad Miya indicates that first the Party I had abused the Supervisor, Agnelo Fernandes and thereafter both had abused each other.

24. In the case of *Golden Chemicals Ltd. v/s Mohamad Azam Dil Mohmad 2007 (3) Bom C.R. 210*, the Hon'ble Bombay High Court has held that "It is true that no superior officer has the authority to either abuse or use indecent language against any Workman. However, such a conduct from a superior officer cannot give a license to a Workman to behave in the manner as the Workman herein has behaved. Decency must be maintained by both the managerial and administrative staff on the one hand and the workers on the other hand. Neither can be heard to say that it was because the other provoked him, that he behaved indecently or used abusive language. Discipline and good behaviour must be observed by both the workers and their superiors so that a work environment conducive to efficient working can be maintained. Neither the Workman nor managerial or supervisory cadre can be permitted to take law into their own hands

and abuse or assault the other, giving vent to their grievance about the use of abusive language. In fact if a Workman who is employed in an establishment to which the model standing orders are applicable has a grievance regarding assault or abuse by a person in a Supervisory position, the Employer is bound to enquire into such acts complained of by the Workman under standing order 28".

25. Reverting to the facts of the present case, the Party I had neither complained to the Management nor stated before the Enquiry Officer that Agnelo Fernandes had abused him or provoked him in any manner. If at all the Party I had any grievance about non-payment of overtime dues or any other allowances, the Party I could have certainly raised these issues with the management. He was certainly not justified in entering into any heated arguments with the Supervisor or abusing the Supervisors over this issue. The act of the Party I not only amounts to insubordination but such indiscipline and indecent behaviour hinders work environment.

26. It may be mentioned that in the case of *Mahindra and Mahindra Ltd. (supra)* the Apex Court has held that "As noticed hereinabove atleast in two of the cases cited before us, i.e. Orissa Cement Ltd. (supra) and New Shorrock Mills (supra), this Court held: "punishment of dismissal for using of abusive language cannot be held to be disproportionate." In this case all the forums below have held that the language used by the Workman was filthy. We too are of the opinion that the language used by the Workman is such that it cannot be tolerated by any civilized society. Use of such abusive language against a superior officer, that too not once but twice, in the presence of his subordinates cannot be termed to be an indiscipline calling for lesser punishment in the absence of any extenuating factor referred to hereinabove".

27. In the case of *L. K. Verma v/s H. M. T. Ltd. (2006) LL R 296* the Apex Court has held that "...as regards the quantum of the punishment is concerned suffice it to say that verbal abuse has been held to be sufficient for inflicting a punishment of dismissal".

28. In the case of *Hombe Gowela Education Trust & Another v/s State of Karnataka & Others AIR 2006 SC 975*, the Apex Court has held that "This Court has come a long way from its earlier view points. The recent trend in the decisions of this Court seek to strike a balance between the earlier approach of the industrial relation wherein only the

interest of the Workmen was sought to be protected with the avowed object of fast industrial growth of the country. In several decisions of this Court it has been noticed that how discipline at the workplaces /industrial undertaking received a setback. In view of the change in economic policy of the country, it may not now be proper to allow the employees to break the discipline with impunity. Our country is governed by rule of law. All actions, therefore, must be taken in accordance with law. Law declared by this Court in terms of Article 141 of the Constitution of India, as noticed in the decisions noticed *supra*, categorically demonstrates that the Tribunal would not normally interfere with the quantum of punishment imposed by the employers unless an appropriate case is made out therefor. The Tribunal being inferior to that of this court was bound to follow the decisions of this Court which are applicable to the fact of the present case in question. The Tribunal can neither ignore the ratio laid down by this Court nor refuse to follow the same".

29. In the instant case, the Party I has been held guilty of a serious misconduct. The past records of the Party I are not at all satisfactory. The Party I has not shown any other mitigating circumstances to interfere with the punishment imposed on him. Keeping in mind the binding principles laid down by the Apex Court in several decisions referred hereinabove and considering the nature of misconduct and the past records of the Party I, in my considered view the punishment imposed on the Party I cannot be said to be shockingly disproportionate. Hence, this is not a fit case to interfere with the penalty imposed on the Party I.

30. Learned Adv. Shri Deulkar has argued that the order of dismissal is discriminatory. He has argued that though the Party I and one Budhan Khan were issued charge-sheets in respect of the same incident, the Party I has been served with dismissal order whereas Budhan Khan was only suspended. He has further argued that the evidence adduced by the Party I on the question of discrimination has gone unchallenged. He has relied upon the case of *Sengara Singh and Others v/s State of Punjab & Others* (1984 I LLJ 161 SC), *Haribhau Keshvrao Paithankar v/s The State of Maharashtra & Others* (1990 II CLR 40 Bom), *P. M. Ratnakar v/s UCO Bank* (2009 (122) FLR 950 Bom) and the case of *Indian Oil Corporation Madras v/s Second Additional Court, Madras & Anr* (1993-I LLN. 777 Mad).

31. Learned Adv. Shri Bandodkar has argued that pleadings in the claim statement as regards discrimination are very vague. Learned Adv. Shri

Bandodkar has stated that the Party II had denied the said pleadings. He has argued that discrimination which is nothing short of victimization is a serious charge which needs to be properly pleaded and adequately proved. Learned Adv. Shri Bandodkar has stated that the Party I has not adduced any evidence to prove that the charges against Budhan Khan were proved and that the charges proved against him were same as the charges proved against the Party I. Learned Adv. Shri Bandodkar has argued that mere allegation is not a proof of discrimination. He has relied upon the judgment of the Apex Court in the case of *M/s. Bharat Iron Works v/s Bhaghubhai Balubhai Patel* (1976 (1) SCC 518).

32. The question which therefore falls for my consideration is whether the order of termination issued to the Party I is discriminatory. In order to answer the question raised for consideration, it is necessary to consider the legal position on this aspect.

33. In the case of *Senagara Singh and Others v/s State of Punjab* 1984 I LLJ 161, the State had dismissed 1,100 members of the Police Force after they were found guilty of misconduct viz. participation in police agitation. Subsequently, 1,000 dismissed members were reinstated in their original post. While allowing the appeal filed by the remaining members, the Apex Court has held that "*If the indiscipline of a large number of personnel amongst the dismissed personnel could be condoned or overlooked and after withdrawing the criminal cases against them could be reinstated, there is no justification in treating the present appellants differently without pointing out how they were guilty of more serious misconduct or the degree of indiscipline in their case was higher when compared to those who were reinstated. Since the respondent failed to explain the distinguishing features all of them are put in the same bracket. On that conclusion the treatment meted out to the few suffers from the vice of arbitrariness and Article 14 forbids any arbitrary action which would tantamount to denial of equality as guaranteed by Article 14 of the Constitution. The court must accordingly interpose and quash the discriminatory action*".

34. In the case of *P. M. Ratnakar v/s UCO Bank* [2009 (122) FLR 950] the Division Bench of Bombay High Court has held that "*When two delinquents are charged for the identical misconduct and when the evidence and facts and circumstances of the case are identical, the disciplinary authority is required to act in fair manner in the matter of*

*awarding punishment and no discriminatory attitude should be shown. ...On identical set of facts when two persons have been charged and if there are no other circumstances exist, the disciplinary authority is not required to act in a different manner and on the basis of equity and fair play, no discrimination is required to be shown in the matter of awarding punishment."*

35. In the case of *Haribhau Paithankar* (supra) the grievance of the petitioner was that he was not given the benefit of continuity of service for the period from the date of his termination till the date of his absorption when similarly situated employees were given such benefits. The Division Bench of the Bombay High Court held that the State Government cannot discriminate between one employee and another, similarly situated it was held that depriving the petitioner of the benefits which are granted to similarly situated employees is arbitrary and violative of the Article 14 of the Constitution.

36. In the case of *Indian Oil Corporation Ltd.* (supra) the Madras High Court has held that "*It is settled position of law that when the evidence with regard to the misconduct of number of Workmen is identical, the employer must give rational or reasonable explanation for awarding different punishment to the different Workmen on the same evidence. In other words, if different Workmen are similarly placed with regard to the nature of evidence let in against them by the management in the domestic enquiry and if the Workmen are covered by the same set of facts and circumstances, the employer cannot single out a particular Workman for the discriminatory treatment while awarding punishment. Some of the workers are arbitrary weeded out for discriminatory and more severe treatment than those who were similarly situated, the Courts will not hesitate to frown upon such discriminatory treatment".*

37. Now reverting to the pleadings of the present case in para 45 of the claim statement, the Party I had averred that the Party II has committed unfair Labour Practice by making discrimination between the Workmen while awarding the punishment for the same alleged acts arising out of the same alleged incident dated 4-11-99. In the rejoinder, filed by the Party I it was averred that Budhan Khan who was also implicated in the said incident, was not suspended pending enquiry and was awarded punishment of stoppage of one increment, while the Party I was suspended pending enquiry and after the inquiry he has been dismissed from service.

38. Lnd. Adv. Shri Bandodkar is justified in contending that the pleadings in the claim statement are vague. However, in the rejoinder the Party I had stated that though he and Budhan Khan were issued charge-sheets in respect of the same incident. While Budhan Khan has been awarded penalty of stoppage of one increment, the Party I has been served with order of dismissal.

39. It is to be noted that the Party I has stated in his affidavit in evidence that the Party II had also issued charge-sheet to Budhan Khan for having committed misconduct under clause 29 (XI, XII, XXXIX and XXXVII) of Certified Standing Order. The Party I has stated that Budhan Khan was not suspended and was also not awarded the same penalty as awarded to him. It may be mentioned that apart from this bare statement the Party I had not adduced any evidence as regards the nature of evidence adduced against Budhan Khan vis-à-vis penalty imposed on Budhan Khan. The witness Shri Kishor Samant, the Manager in the Legal Department of Party II was also not cross examined on this aspect and no evidence was elucidate as regards the nature of charges proved against Budhan Khan, penalty imposed against him, the past records of Budhan Khan etc. Admittedly the past records of Party I are far from being satisfactory. He has been issued memos, charge-sheets, warnings and penalties and these relevant factors were taken into consideration while imposing penalty of dismissal. The Party I has not adduced any evidence to show that Budhan Khan also had similar track record. Under the circumstances the Party I has failed to prove he and Budhan Khan were similarly placed with regard to the nature of evidence let in against them by the management in the domestic enquiry. The Party I has also failed to prove that Budhan Khan had similar track record. Hence, it cannot be said that they were similarly placed and that they were covered by same set of facts and circumstances. This being the case the Party I has failed to prove that he has suffered discrimination at the hands of the Party II.

40. The Party I has been held guilty of a serious misconduct. The past records of the Party I are not satisfactory. The Party I has not proved that there are any other mitigating circumstances which warrant interference with the punishment. Under the circumstances, the punishment of dismissal was commensurate with the misconduct. The order of dismissal is neither illegal nor discriminatory. Hence, issue No. 3 is answered in the negative.

41. *Issue No. 4:* The termination order has been held to be legal. Hence, the Party I is not entitled for any relief. Issue No. 4 is answered accordingly.

42. Under the circumstances and in view of discussion Supra I pass the following order.

**ORDER**

The action of M/s. Goa Shipyard Limited, Vasco da Gama, Goa, in dismissing the services of Shri Murlidhar L. Naik, Painter, with effect from 22-1-2001 is held to be legal and justified.

The Party I is not entitled for any relief.

Inform the Government accordingly.

Sd/-  
(A. Prabhudesai),  
Presiding Officer,  
Industrial Tribunal-  
-cum-Labour Court-I.



State Directorate of Craftsmen Training

**Notification**

No. 3/SDCT/TPO/IMC/HON/3786

(Sub: Re-constitution of Institute Managing Committee of ITI-Honda, Satari)

In pursuance of the guidelines issued by Government of India for constitution of Institute Managing Committee (IMC) for the ITIs vide D.O. No. DGET-21(3)97-CPIU(VOL.IV) dated 25-01-2002 from Director General of Employment & Training and Joint Secretary, Government of India, Ministry of Labour, New Delhi, the Government is pleased to re-constitute the Institute Managing Committee of ITI, Honda, Satari from the date of issue of this Notification.

**Constitution:**

1. Shri Ajay Seth, ... Chairman.  
Chief Financial Officer,  
M/s. Maruti Suzuki India  
Limited
2. Shri Haresh Melwani, ... Member.  
CEO HL Nathurmal,  
307, 3rd Floor, Rizvi Chambers,  
Caetano Albuquerque Road,  
Panaji-Goa
3. Shri Jaywant Dessai, ... Member.  
M/s. Neha Enterprises,  
Gala Shed No. 2,  
Honda Industrial Estate,  
Honda, Satari-Goa

4. Shri Sunil Garg, ... Member.  
M/s. Ellenabad Steels (P) Ltd.,  
Plot No. 65, Honda Ind. Estate,  
Honda, Satari-Goa
5. Shri J. Monteiro, ... Member.  
M/s. Omni Impex Pvt. Ltd.,  
Plot No. 65, Pissurlem Ind. Estate,  
Honda, Satari-Goa
6. Shri D. Hanumant Dhumaskar, ... Member.  
ACGL, Honda Industrial Estate,  
Honda, Satari-Goa
7. Shri M. K. Ghosh, ... Member.  
M/s. E Merck,  
Usgaon, Ponda-Goa
8. Shri Atul P. Naik, ... Member.  
M/s. Creative Engineers,  
Honda, Satari-Goa
9. State Director or his  
representative, ... Member.  
State Directorate of  
Craftsmen Training,  
Shramashakti Bhavan,  
Panaji-Goa
10. Principal, ... Member  
Industrial Training Institute,  
Secretary.  
Honda, Satari-Goa
11. Faculty Representative ... Member.  
to be nominated by the  
Principal, Honda, Satari-Goa
12. Students' Representative ... Member.  
to be nominated by the  
Principal, Honda, Satari-Goa

The terms of reference shall be as per attached Annexure also specifying therein indicators for monitoring the performance of the IMC.

The term of office of the IMC shall be three years from the date of issue of this notification or till the re-constitution of the IMC thereafter whichever is later. The members representing the industries may change by name and number depending upon the necessity of the IMC from time to time under specific orders of the Government. Change in the official members, if any, shall be on the basis of the recommendations of the State Director of Craftsmen Training.

The IMC shall meet as frequently as required and in any case at least once in three months.

The non-official members, who attend the meeting shall be paid a fixed honorarium of

₹ 400/- per meeting and no other TA/DA shall be payable.

By order and in the name of the Governor of Goa.

Aleixo F. da Costa, State Director of Craftsmen Training and ex officio Joint Secretary.

Panaji, 12th May, 2011.

Annexure

**Role and Responsibilities of the Institute Managing Committee (IMC)**

**1. Generation and Utilisation of Finance:**

- a) The IMC would be free to generate funds through various projects from industry.
- b) *The IMC would encourage donors to donate funds to the institutes.*
- c) These funds would be available to the IMC for utilization as decided by them.

**2. Donation of Machinery & Equipments:**

*The IMC would encourage donation of machinery & equipments to the institutes.*

**3. Selection of contract faculty:**

*The IMC will have powers for appointment of contract faculty as and when required.*

**4. Students Selection:**

- a) Vocational guidance about the nature of course, job opportunities and career prospects would be provided to students prior to applying for admission in ITI so that they choose right courses.
- b) Introductory seminars for the fresh students (including visits to industry) may be conducted by industry to create interest and motivate them.
- c) The IMC may adopt various transparent methods of selection according to the individual needs of each institute. However, the guidelines prescribed by the NCVT should not be violated.

**5. Employment:**

- a) The IMC will be responsible for helping students in registration. Before passing out all ITI students will be registered with (i) local employment exchange (ii) Overseas employment cell (iii) Regional headquarters of *Industry Associations* (iv) Campus interviews will also be arranged.

b) Trainees will be helped by the industry to go in for self-employment through acquisition of skills relating to interaction with FIs and basic trade and commerce facilities.

c) *Tracing the ITI graduates for next three years after their passing out.*

**6. Faculty and Staff Development:**

- a) IMC will identify the training needs of all faculty and staff members based on Faculty Development Forms.
- b) Detailed annual and quarterly training calendars, budgets and release of personnel for training programmes will be planned by IMC including exchange of personnel between industry and institute.

**7. Mentors and One-Day Lecturers (Guest Lecturers):**

IMC will nominate Mentors and One-Day Lecturers (Guest Lecturers) from industry for various trades. One-Day Lecturers are specifically meant to deliver lecturer or impart practical training in the ITI. A Mentor is nominated for a student/group of students belonging to one trade, Mentor may just discuss/guide/counsel students in the ITI or outside as per mutual convenience. He can, however, also deliver lecture or impart practical training. Mentors are more like role model for students and therefore, should be a good experienced skilled worker. Mentors will play an important role in vocational guidance and career counselling as well as apprising students about latest technologies and trends in the World of Work. Mentorship system should have great flexibility in contact between students and Mentor. The contact could even be over telephone.

**8. Seminars, workshops and exhibitions:**

IMC will organize Seminar, workshops and exhibitions for mutual benefits of trainees, faculty and industry.

**9. Trade Advisory Committees (TAC):**

IMC may constitute Trade Advisory Committee (TAC) for a group of trades or any other Committee to assist in various functions. TAC should help IMC in issues related to improvement in effectiveness and relevance of training for a particular trade group. TAC should have trade experts from Industry, concerned instructors, student representatives etc. The exact composition may be decided by the IMC.

10. *Industrial Training:*

- a) IMC will prepare guidelines for the industrial training with details of periods of training including projects for students and faculty. Students of one trade may be released together for industrial training in order to avoid disruption of training in ITI.
- b) IMC will also decide about the stipend to be paid to each student and faculty by the industry providing training.

11. *Curriculum Revamping:*

- a) IMC will be allowed to revamp the curriculum of any trade above the NCVTs norms on the basis of industry needs.
- b) IMC will be allowed to include new trades and discontinue the obsolete trades by following simplified procedures to be decided by DGET.

12. *Equipment Maintenance:*

The maintenance and replacement of the equipment at the institute will be supervised by IMC.

13. *Teaching Aids:*

Teaching Aids like working models, slides, video projections, instruction material in vernacular languages, work books, detailed job assignments of the institute will be upgraded under the supervision of IMC.

14. *MIS System:*

Under guidance of the Steering Committee, the Managing Committee will introduce an MIS System for each ITI. *Industry associations* will provide the necessary inputs for creating such MIS System.

15. *Capital Expenditure:*

- a) IMC will be involved in spelling out specifications for the procurement of equipment including accessories and measuring equipment. The proposals for procurement of equipment will be cleared by IMC before orders are placed.
- b) The proposals of Civil works (including additions/alterations in the existing building) will be cleared by IMC.

16. *Examination Supervision:*

- a) Theoretical examinations will be jointly supervised by industry.

- b) Practical examination and evaluation will be supervised jointly by industry and external examiner.

17. *Faculty Evaluation:*

- a) Faculty evaluation will be done by the Steering Committee and their recommendations will carry weight and recognition.
- b) Faculty Development Form will be designed by IMC which will include criteria for gradation and development of faculty.

18. *Transfer for Faculty:*

IMC will be taken into confidence while transferring the faculty from one institute to another.

19. *Faculty Deputation:*

Deputation of the faculty from one institute to another will be made at the recommendations of IMC.

20. *Consultancy Rules:*

The rules for providing consultancy by the ITI will be laid down in consultation with the Managing Committee.

*Indicators for monitoring the performance of IMC:*

- 1) Employment rate within 6 months of completing the course.
- 2) Student output to sanctioned capacity:
  - a) Admission rate.
  - b) Retention rate.
  - c) Pass rate.
- 3) Internship/n-the-job training per student per year.
- 4) Average number of days of deputation of instructors in industry per year.
- 5) Revenue generated as percentage of operating expenses.
- 6) Donation of machinery and equipment to ITI by Industry.
- 7) Other co-operation between ITI and industry.
- 8) Time devoted by experts from industry in conducting classes or other activities in ITI.
- 9) Recommendations made by IMC and their implementation.

**Notification**

No. 3/SDCT/TPO/IMC/FAR/3785

(Sub.: Re-constitution of Institute Managing Committee of ITI-Farmagudi)

In pursuance of the guidelines issued by Government of India for constitution of Institute Managing Committee (IMC) for the ITIs vide D.O. No. DGET-21(3)97-CPIU(VOL.IV) dated 25-01-2002 from Director General of Employment & Training and Joint Secretary, Government of India, Ministry of Labour, New Delhi, the Government is pleased to re-constitute the Institute Managing Committee of ITI, Farmagudi from the date of issue of this Notification.

**Constitution:**

1. Shri Ajay Seth, ... Chairman.  
Chief Financial Officer,  
M/s. Maruti Suzuki India  
Limited
2. Shri Yatin Kakodkar, ... Member.  
M/s. Apex Packaging Products,  
Plot No. 180, Kundaim Ind. Estate,  
Kundaim-Goa
3. Shri Naresh Pai, ... Member.  
M/s. Mahalasa Pharma,  
B/5, Madhukar, Alto-  
Porvorim-Goa
4. Shri Jagannivas Kamat, ... Member.  
M/s. Duracoats,  
85, Kundaim Ind. Estate,  
Kundaim-Goa
5. Shri Kiran Sirsat, ... Member.  
M/s. Prasad Packaging  
D5-4, Kundaim Ind. Estate,  
Kundaim, Ponda-Goa
6. Shri Vivek Kumar, ... Member.  
HR Manager,  
M/s. Nestle India Ltd.,  
Usgaon, Ponda-Goa
7. Shri Prakash Sankpal, ... Member.  
M/s. Okassa Ltd.,  
Kundaim Ind. Estate,  
Kundaim-Goa
8. Shri Sanjay Kachare, ... Member.  
M/s. Professional Oral Care,  
Kundaim Ind. Estate,  
Kundaim-Goa
9. Shri S. M. Balasubramaniam, ... Member.  
M/s. Britacel,  
Kundaim Ind. Estate,  
Kundaim-Goa

10. Shri Sanjay Priolkar, ... Member.  
M/s. Cadilla Healthcare,  
Kundaim Ind. Estate,  
Kundaim-Goa
11. Mr. Victor Silveira, ... Member.  
M/s. Smartlink Network  
Systems Ltd.,  
Verna Industrial Estate,  
Verna, Salcete-Goa
12. State Director or his  
representative, ... Member.  
State Directorate of  
Craftsmen Training,  
Shramashakti Bhavan,  
Panaji-Goa
13. Principal, ... Member  
Industrial Training Institute,  
Secretary.  
Farmagudi-Goa
14. Faculty Representative ... Member.  
to be nominated by the  
Principal, Farmagudi-Goa
15. Students' Representative ... Member.  
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Principal, Farmagudi-Goa

The terms of reference shall be as per attached Annexure also specifying therein indicators for monitoring the performance of the IMC.

The term of office of the IMC shall be three years from the date of issue of this notification or till the re-constitution of the IMC thereafter whichever is later. The members representing the industries may change by name and number depending upon the necessity of the IMC from time to time under specific orders of the Government. Change in the official members, if any, shall be on the basis of the recommendations of the State Director of Craftsmen Training.

The IMC shall meet as frequently as required and in any case at least once in three months.

The non-official members, who attend the meeting shall be paid a fixed honorarium of ₹ 400/- per meeting and no other TA/DA shall be payable.

By order and in the name of the Governor of Goa.

*Aleixo F. da Costa*, State Director of Craftsmen Training and ex officio Joint Secretary.

Panaji, 12th May, 2011.

## Annexure

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Managing Committee (IMC)**

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- 5) Revenue generated as percentage of operating expenses.
- 6) Donation of machinery and equipment to ITI by Industry.
- 7) Other co-operation between ITI and industry.
- 8) Time devoted by experts from industry in conducting classes or other activities in ITI.
- 9) Recommendations made by IMC and their implementation.



Human Resource Development Foundation  
State Directorate of Craftsmen Training

—  
**Order**

No. 3/4/2010/HRDF/(part)/889

Read: 1) Government Order No. 3/4/99-HRDF/203 dated 04-01-2008.

2) Government Order No. 3/4/99-HRDF/214 dated 16-01-2008.

On expiry of the tenure of non-official members of the Governing Committee of the Human Resource

Development Foundation Society re-constituted vide Government Order No. 3/4/2010-HRDF/2003 dated 04-01-2008 (hereby referred to as the "said Order"), Government is pleased to appoint the following non-official members on the Governing Committee of Human Resource Development Foundation Society.

In the "said Order", for entries at Serial No. 8, the following shall be substituted namely:

- "8" (a) Mr. Binayak Datta, ... Member.  
M/s. Zuari Industries Limited,  
Jai Kishan Bhavan,  
Zuarinagar, Goa 403726
- (b) Mr. B. T. Boke, ... Member.  
Senior General Manager-  
-Human Resource  
M/s. Dempo Group of  
Companies Ltd.,  
Dempo House, Campal,  
Panaji, Goa 403001
- (c) Dr. Digamber Naik, ... Member.  
Managing Trustee/Principal,  
International Institute of  
Medical Technology,  
Mapusa-Goa 403507.
- (d) Mr. Sudesh Rane, ... Member.  
M/s. Amey Industries,  
Plot No. 43, Kakoda  
Industrial Estate, Kakoda-  
-Curchorem-Goa 403706
- (e) Mr. Charles Bonifacio, ... Member.  
Past President,  
Travel & Tourism  
Association of Goa,  
6th Floor, Patto Plaza,  
Panaji, Goa 403001
- (f) Mr. Alirio Saldanha, ... Member.  
Principal,  
Stenodac Commercial  
Training Institute,  
Panaji, Goa 403001.

The tenure of office of all the above non-official members shall be 2 years with effect from date of issue of this order. The role, responsibilities and functions of the non-official members shall be as specified in the Rules and Regulations of the said Society.

By order and in the name of the Governor of Goa.

*Aleixo F. da Costa*, State Director of Craftsmen Training & ex officio Joint Secretary.

Panaji, 27th April, 2011.

## Department of Personnel

### Order

No. 22/12/2007-PER

Shri D. K. Sawant, Superintendent of Police/Dy. Commandant General, Home Guard/SP (Trg.) shall hold the charge of Superintendent of Police in Goa State Human Rights Commission in addition to his own duties with immediate effect.

By order and in the name of the Governor of Goa.

*N. P. Singnapurker*, Under Secretary (Personnel-II).

Porvorim, 9th May, 2011.

### Order

No. 3/1/80-PER(Vol.II)

Read: Order No. 14020/2/2011-UTS-I(Pt.I)  
dated 27-04-2011.

In pursuance to Government of India, Ministry of Home Affairs, New Delhi, Order dated 27-04-2011 read above, the Governor of Goa is pleased to relieve Shri Bhim Sain Bassi, IPS (AGMU: 77) from this administration w.e.f. 11-05-2011 (a.n.) to report to the Chief Secretary, Government of NCT of New Delhi.

Shri Bhim Sain Bassi, IPS, shall hand over the charge of the post of Director General of Police, Goa to Dr. Aditya Arya, IPS.

By order and in the name of the Governor of Goa.

*N. P. Singnapurkar*, Under Secretary (Personnel-II).

Porvorim, 11th May, 2011.



## Department of Public Health

### Order

No. 47/4/2011-I/PHD

Read: Order No. 47/4/2011-I/PHD dated 25-01-2011.

Government is pleased to re-constitute the Committee for District Level Vigilance and Monitoring Committee, for monitoring the progress of implementation of NRHM, as directed by the

Ministry of Health & Family Welfare, Government of India for South Goa.

The Committee shall consist of the following members:

1. M. P. of South Goa	Chairman.
2. MLA, Cortalim	Member.
3. MLA, Margao	— do —
4. MLA, Vasco-da-Gama	— do —
5. MLA, Velim	— do —
6. MLA, Cuncolim	— do —
7. MLA, Benaulim	— do —
8. MLA, Loutulim	— do —
9. MLA, Navelim	— do —
10. MLA, Curtorim	— do —
11. MLA, Sanvordem	— do —
12. MLA, Quepem	— do —
13. MLA, Fatorda	— do —
14. MLA, Shiroda	— do —
15. MLA, Murmugao	— do —
16. MLA, Poinguinim	— do —
17. MLA, Curchorem	— do —
18. MLA, Sanguem	— do —
19. MLA, Canacona	— do —
20. Chairperson Zilla Panchayat, South Goa	— do —
21. District Magistrate, South Goa	— do —
22. Chairperson of Panchayat Samitis (Block Pramukh)	— do —
23. Director of Women & Child Development	— do —
24. Chief Engineer, Water Supply & Sanitation	— do —
25. Director of Education	— do —
26. Director of Panchayats	— do —
27. Director of Social Welfare	— do —
28. Chief Engineer, PWD (Public Health Engineering)	— do —
29. Project Director - DRDA	— do —
30. Director of Health Services	Member Secretary & Convener.

The terms of reference of the Committee shall be as follows:

1. To review the progress of the annual State Health Action Plan under the NRHM and provide guidance.
2. To review the release of funds by Centre and States, utilization thereof and unspent balance.
3. To undertake regular monitoring visits to the field, visit to the peripheral health facilities and assess their performance including drug availability.
4. To ensure that a fully functional management structure is in place and is properly utilized.
5. To ensure constructive engagement and participation of all concerned departments in the State for multi-sectoral intervention.
6. To recommend corrective measures to ensure that the programme objectives are achieved and service delivered in an effective as well as efficient manner.

The Committee shall meet once every quarter.

This is issued in supersession of this Department's earlier order of even number dated 25-01-2011.

By order and in the name of the Governor of Goa.

*D. G. Sardessai, Joint Secretary (Health).*

Porvorim, 2nd May, 2011.

#### Order

No. 4/3/2005-II/PHD/Vol. I

Government is pleased to extend the term of ad hoc promotion of Dr. Nilam Madhale, Assistant Lecturer in Anatomy against the post of Lecturer in Anatomy in Goa Medical College, Bambolim in the pay scale of Pay Band—3, ₹ 15,600-39,100 with Grade Pay of ₹ 6,600/- and other allowances, for a further period of six months w.e.f. 01-01-2011 to 30-06-2011 or till the post is filled on regular basis, whichever is earlier.

The above ad hoc appointment shall not bestow on her any claim for regular appointment or the service rendered by her on ad hoc basis in the grade shall not be counted for the purpose of seniority in the grade or for eligibility for promotion to the next higher grade, if any.

This issues with the approval of the Goa Public Service Commission vide their letter No. COM/II/3/30(1)/2011/137 dated 28-04-2011.

By order and in the name of the Governor of Goa.

*D. G. Sardessai*, Joint Secretary (Health).

Porvorim, 6th May, 2011.

**Order**

No. 4/3/2005-II/PHD/Vol. I

Government is pleased to extend the term of ad hoc promotion of Dr. Uday Kudalkar, Lecturer in Anatomy against the post of Assistant Professor in Anatomy in Goa Medical College, Bambolim in the pay scale of Pay Band—3, ₹ 15,600-39,100 with Grade Pay of ₹ 6,600/- and other allowances, for a further period of six months w.e.f. 01-01-2011 to 30-06-2011 or till the post is filled on regular basis, whichever is earlier.

The above ad hoc appointment shall not bestow on him any claim for regular appointment or the service rendered by him on ad hoc basis in the grade shall not be counted for the purpose of seniority in the grade or for eligibility for promotion to the next higher grade, if any.

This issues with the approval of the Goa Public Service Commission vide their letter No. COM/II/3/30(1)/2011/136 dated 28-04-2011.

By order and in the name of the Governor of Goa.

*D. G. Sardessai*, Joint Secretary (Health).

Porvorim, 6th May, 2011.



**Department of Revenue**

**Order**

No. 22/17/2009-RD

Whereas, the Government of Goa, vide Notification No. 22/17/2009-RD dated 18-11-2009, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act"), and published in the Official Gazette, Series II No. 35 dated 26-11-2009, notified that the land specified in the Schedule thereof (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition bearing Chalata No. 6 of P. T. Sheet No. 56 for setting up of Dry Recyclable Material Sorting Centre and Compost Stations for the Corporation of the City of Panaji (hereinafter referred to as the "said public purpose");

And whereas, the Government of Goa considered the report made by the Collector under sub-section (2) of Section 5A of the said Act and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 22/17/2009-RD dated 07-03-2011, issued under Section 6 of the said Act, and published in the Official Gazette, Series II No. 50 dated 10-03-2011, declared that the said land is required for the said public purpose.

Now, Therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, North Goa District, Panaji-Goa, to take the order for acquisition of the said land.

By order and in the name of the Governor of Goa.

*Pandharinath N. Naik*, Under Secretary (Rev-I).

Porvorim, 10th May, 2011.

**Notification**

No. 22/4/2010-RD

Whereas by Government Notification No. 22/4/2010-RD dated 06-05-2010 published on pages 139 to 140 of Series II No. 7 of the Official Gazette dated 13-05-2010 and in two newspapers (1) "Navhind Times" dated 09-05-2010 (2) "Gomantak" dated 09-05-2010, it was notified under Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that the land specified in the Schedule appended to the said Notification was likely to be needed for the public purpose viz. Land Acquisition for construction of Tar Road at Village Moissal of Village Panchayat Kirlapal-Dabal in Sanguem Taluka.

And Whereas, the Government of Goa (hereinafter referred to as "the Government") after considering the report made under sub-section (2) of Section 5-A of the said Act is satisfied that the land specified in the Schedule hereto is needed for the public purpose specified above (hereinafter referred to as "the said land").

Now, Therefore, the Government hereby declares, under Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also appoints, under clause (c) of Section 3 of the said Act, the Deputy Collector & SDO, Quepem, Goa, to perform the functions of a Collector, South Goa District, Margao-Goa, for all proceedings hereinafter to be taken in respect of the said land, and directs him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the Office of the said Deputy Collector & SDO, Quepem, Goa, till the award is made under Section 11.

## SCHEDULE

(Description of the said land)

Taluka: Dharbandora Village: Moissal

Survey No./ /Sub-Div. No.	Name of the person believed to be interested	Approx. area in sq. mts.
1	2	3
12 2-A Part	Vithoba Nilu Sawant Dessai.	162
<i>Boundaries :</i>		
North : S. No. 12/2-A.		
South : S. No. 12/2-A.		
East : S. No. 12/2-A.		
West : S. No. 12/2-A.		
Total: 162		

By order and in the name of the Governor of Goa.

*Pandharinath N. Naik*, Under Secretary (Rev-I).

Porvorim, 10th May, 2011.

## Notification

No. 23/7/2010-RD

Whereas by Government Notification No. 23/7/2010-RD dated 10-05-2010 published on Official Gazette, Series II No. 8 dated 20-05-2010 and in two newspapers (1) "Herald" dated 12-05-2010 and (2) "Sunaparant" dated 12-05-2010, it was notified under Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that the land specified in the Schedule appended to the said Notification (hereinafter referred to as the said land) was needed for public purpose viz. L. A. for const. of road at Dulape & Ambebag in V. P. Verna in Loutulim Constituency in Salcete Taluka.

And Whereas, the Government of Goa (hereinafter referred to as "the Government") after considering the report made under sub-section (2) of Section 5-A the said Act is satisfied that the land specified in the Schedule hereto is needed for the public purpose specified above (hereinafter referred to as "the said land").

Now, Therefore, the Government hereby declares, under the provision of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also hereby appoints, under clause (c) of Section 3 of the said Act, the Special Land Acquisition Officer, S.I.P. Gogal, Margao-Goa

to perform the functions of the Collector for all proceedings hereinafter to be taken in respect of the said land and directs him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the Office of the Special Land Acquisition Officer, S.I.P., Gogal, Margao-Goa till the award is made under Section 11.

## SCHEDULE

(Description of the said land)

Taluka: Salcete Village: Verna

Survey No./ /Sub-Div. No.	Names of the persons believed to be interested	Approx. area in sq. mts.
1	2	3
267 part	O: Iria Moniz Abranches. Philip Abranches. <i>Other rights</i> House owned by A.B.C. Ana Maria Fernandes. E. 125 Pedru Abranches. Roque Abranches. F. D. One cowshed Pedru Abranches. E. 123 Camil D'Costa. G. Cowshed. H. One house -do- I. Cowshed -do-	748
268 part	O: Jose Prazeres da Piadade Pinto. <i>Other rights</i> House owned by A. B. Luis Abranches. E. 127 Rumold Pereira & 2 cowshed.	644
269 2 part	O: Caitano Abranches. <i>Other rights</i> House owned by A. Pedru Abranches and one cowshed. B. Self C. Alcanfar Abranches. D. Domutil Moniz. F. - do - Cowshed. E. & Anton Abranches. I. Cowshed G. Self. H. Self. I. Caitan Abranches.	205
3 part	O: Santana Rego. <i>Other rights</i> House owned by A. Thomas Abranches. Well self.	142
4 part	O: Tome Rodrigues.	86
5 part	O: Allen Jose da Gama.	106
6 part	O: Allen Jose da Gama.	96
7 part	O: Santana Rego.	160

OFFICIAL GAZETTE — GOVT. OF GOA

SERIES II No. 7

19TH MAY, 2011

1	2	3	1	2	3
8 part O: Allen Jose da Gama.	150		A Joao Minguel		
270 1 part O: Fenando Antonio Abranches.	80		Abranches.		
Camilo Santana Abranches.			6 part O: Ina Ivy Cabral.		565
Francis D'Costa.			House owned by		
Rosario Abranches.			E 103 Inacin Mendes &		
Francisco Abranches.			B. One Store.		
Junu Abranches.			C. Cowshed.		
Luis Abranches.			A. Ruzal Pereira.		
Sebastiana Abranches.			229 1 part O: Ina Ivy Barreto e Cabral.		240
Inacia Abranches.			House owned by		
Jeromina Abranches.			A. Geluer Faria.		
<i>Other rights</i>			House owned by		
House owned by			Marin Faria.		
A. Luis Abranches.			Cowshed owned by		
House owned by			B. Cowshed owned by		
B. & one store - do -			Martin Faria.		
House owned by			11 1 part O: John Piety Francisco		165
C. Francisco Abranches.			Costa Bir.		
House owned by			Jose Antonio Matos.		
D. Mariya Barreto.			Joaquim Antonio Remedias		
House owned by			Motos.		
E. Francis Abranches.			House owned by		
House owned by			H. No. 65 Inacinha Fernandes.		
F. Catarin Abranches.			5 part O: Marry Ferreira.		83
2 part O: Sisters of St. Joseph of Cluny.	392		6 part O: Marry Ferreira.		128
House owned			4 part O: Conceicao Fernandes.		166
A. Marian Rodrigues.			3 part O: Mariano Fernandes.		118
B. Luizin Rodrigues and one					
cowshed -do-					
C. Pedro Carvalho.					
D. Cowshed.					
E. Conceicao Rodrigues.					
F. Inas Rodrigues.					
9 26 part O: Peter Roland Salema.	365				
Jose Orlando de Abranches.					
Maria Ester Almanches.					
1 part O: Peregrino Jose Albino	96				
Fernandes.					
Agnelo Roque Santana					
Fernandes.					
25 part O: Peter Roland Salema.	210				
Lovosh Vissu Shet Verenkar.					
Ashpak Ali Khan					
Rehmat Khan.					
27 part O: Jose Orlando de Abranches.	85				
Maria Ester Abranches.					
Francisco Xavier Geraldo Dias.					
28 part O: Jose Teodolindo Gomes.	58				
230 4 part O: Jose Orlando de Abranches.	312				
Maria Ester Abranches.					
House owned by					
E 100 Salvador Abranches.					
House owned by					
E 99 Marcellin Abranches.					
House owned by					
E 101 Nicolau Abranches.					
House owned by					
E 102 Jackiu Abranches.					
House owned by					

*Boundaries :*

North : S. No. 267.	
South : S. No. 269/4.	
East : S. No. 267, Nala.	
West : S. No. 267, 268.	
North : S. No. 269/2, 3.	
South : S. No. 270/2.	
East : S. No. 269/3, 5, 6, 7, 8, 270/2.	
West : S. No. 269/2, 270/1, 2.	
North : S. No. 9/1.	
South : S. No. 9/31, 27.	
East : S. No. Road, S. No. 9/25, 28.	
West : S. No. 9/25, 28, 1.	
North : S. No. 269/2, 3.	
South : S. No. 270/2.	
East : S. No. 269/3, 5 to 8, 270/2.	
West : S. No. 269/2, 270/1, 2.	
North : S. No. 11/1, 5.	
South : S. No. 11/2, 3, 4, 6.	
East : S. No. Road.	
West : S. No. 10/10.	

Total: 5400

By order and in the name of the Governor  
of Goa.

Pandharinath N. Naik, Under Secretary (Rev-I/II).  
Porvorim, 12th May, 2011.

## Department of Transport

Directorate of Transport

—  
Notification

No. 7/2/2008-TPT/2045

In pursuance of Article 66 of the Memorandum and Articles of Association of the Konkan Railway Corporation Ltd. and as per clause 6(ix) of the agreement entered into between the Government of India, Ministry of Railways and the Government of Goa, the Government of Goa hereby appoints Shri Rajeev Verma, Secretary (Transport), as Alternate Director to the Chief Secretary vice Shri Narendra Kumar, Ex-Commissioner & Secretary (Transport).

By order and in the name of the Governor of Goa.

*Arun L. Desai*, Ex officio Joint Secretary/Director of Transport.

Panaji, 28th April, 2011.



## Department of Water Resources

Office of the Chief Engineer



## Order

No. 1-4-81/CE-WR/Adm.II/101

Government is pleased to appoint Shri N. Somasundaram, Ex-Senior Hydrogeologist, Water Resources Department in Water Resources Department against the vacant post of Senior Hydrogeology, Circle Office I, Water Resources Department, Data Centre Laboratory Building, Porvorim, on contract basis, for one year, i.e. from 01-05-2011 to 30-04-2012 in public interest.

During the above contract period, Shri N. Somasundaram, shall draw remuneration as per Government of India's Office Memorandum No. 3/13/2008-Estt.(Pay II) dated 11-11-2011, issued by the Ministry of Personnel, Public Grievances & Pension, Department of Personnel & Training, New Delhi.

The contract appointment of Shri N. Somasundaram is subject to the executing an agreement specifying the terms and conditions of his contract appointment.

This order is issued in accordance to the Government instructions contained in O.M. No. 10/1/77-PER dated 17-01-2006, issued by the Joint Secretary (Personnel), Secretariat, Porvorim and with the approval of Government vide U.O. Pr. Secy(WR)/235 dated 02-05-2011.

By order and in the name of the Governor of Goa.

*S. T. Nadkarni*, Chief Engineer and ex officio Additional Secretary (WR).

Panaji, 6th May, 2011.

—  
Order

No. 74-1-82/CE-WR/Adm.II/103

Government is pleased to transfer Shri A. V. Radhakrishnan, Assistant Surveyor of Works, presently working on deputation to the Office of the Managing Director, Goa Tillari Irrigation Development Corporation, Panaji, to Sub-Div. III, Works Div. V, Water Resources Department, Kerim, Satari, against the existing post of Assistant Engineer, by curtailing his deputation period in Goa Tillari Irrigation Development Corporation, from the date of relief, in public interest.

The concerned Head of Office should relieve the above transferee immediately and copy of relieving order be endorsed to this office.

No T.T.A. will be admissible to the above transferee, since his transfer is issued on request.

This is issued with the approval of Government vide U.O. No. Pr. Secy(WRD)/74 dated 8-4-2011.

By order and in the name of the Governor of Goa.

*S. T. Nadkarni*, Chief Engineer and ex officio Additional Secretary (WR).

Panaji, 9th May, 2011.

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